

1 LEON DAYAN (State Bar No. 153162)  
ABIGAIL V. CARTER\*  
2 RAMYA RAVINDRAN\*  
LANE M. SHADGETT\*  
3 J. ALEXANDER ROWELL\*  
**BREDHOFF & KAISER P.L.L.C.**  
4 805 Fifteenth Street NW, Suite 1000  
Washington, DC 20005  
5 Telephone: (202) 842-2600  
Facsimile: (202) 842-1888  
6 ldayan@bredhoff.com  
acarter@bredhoff.com  
7 rravindran@bredhoff.com  
lshadgett@bredhoff.com  
8 arowell@bredhoff.com  
\*Application *pro hac vice* forthcoming

9 Daniel Feinberg, SBN 135983  
10 Catha Worthman, SBN 230399  
Anne Weis, SBN 336480  
11 **FEINBERG, JACKSON, WORTHMAN  
& WASOW, LLP**  
12 2030 Addison Street, Suite 500  
Berkeley, CA 94704  
13 Tel. (510) 269-7998  
Fax (510) 269-7994  
14 dan@feinbergjackson.com  
catha@feinbergjackson.com  
15 anne@feinbergjackson.com

16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO, et  
al.,

22 Plaintiffs,

23 v.

24 DONALD J. TRUMP, in his official capacity as  
25 President of the United States, et al.,

26 Defendants.

Case No.: 3:25-cv-03070-JD

**DECLARATION OF TIFFANY RICCI**

**DECLARATION OF TIFFANY RICCI**

I, TIFFANY RICCI, declare as follows:

1. I am over 18 years of age and competent to give this declaration. This declaration is based on my personal knowledge, information, and belief.

2. I am the Director of Communications for AFSCME. In that role, I am responsible for overseeing AFSCME's comments to the press about matters of public concern. As part of that work, I maintain active awareness of all court filings made by AFSCME.

3. AFSCME is a national labor organization and unincorporated membership association headquartered at 1625 L Street N.W., Washington, D.C. 20036. AFSCME is the largest trade union of public employees in the United States, with around 1.4 million members organized into approximately 3,400 local unions, 58 councils and other affiliates in 46 states. AFSCME, through its affiliate District Council 20 and its 18 constituent federal government local unions, as well as AFSCME affiliate United Nurses Association of California/Union of Healthcare Professionals (UNAC), represents about 10,000 federal civilian employees in agencies and departments across the federal government.

4. Since January 20, 2025, AFSCME has engaged in extensive speech and petitioning activity opposing actions by the President and his administration. Much of this activity has received substantial attention in the nationwide press and has drawn public responses from administration officials. Although many of the lawsuits are in the earliest stages, AFSCME and its union allies have secured multiple temporary restraining orders (TROs) and preliminary injunctions against President Trump's unlawful actions.

**Lawsuit Against Elimination of Civil Service Protections**

5. On Inauguration Day, President Trump signed an executive order titled "Restoring Accountability To Policy-Influencing Positions Within the Federal Workforce,"<sup>1</sup> which effectively reinstates the "Schedule F" executive order from President Trump's first term stripping civil service employment protections from a wide swath of federal workers, including some AFSCME

---

<sup>1</sup> See [www.whitehouse.gov/presidential-actions/2025/01/restoring-accountability-to-policy-influencing-positions-within-the-federal-workforce/](https://www.whitehouse.gov/presidential-actions/2025/01/restoring-accountability-to-policy-influencing-positions-within-the-federal-workforce/).

1 members.

2 6. AFSCME filed suit alongside the American Federation of Government Employees  
3 (AFGE) against Donald Trump, Charles Ezell, and the Office of Personnel Management (OPM)  
4 challenging the Schedule F executive order as unlawful. *See AFGE v. Trump*, Compl., 1:25-cv-  
5 00264 (D.D.C. Jan. 29, 2025).

6 7. AFSCME immediately and publicly criticized the Schedule F executive order, with  
7 AFSCME President Lee Saunders stating, “Donald Trump began his presidency by signing  
8 executive orders that undermine public service workers’ voice on the job and the very principles  
9 of civil service which have been established for more than a century to keep politics out of public  
10 service. Putting the job security of nonpartisan, dedicated public service workers in the hands of  
11 billionaires and anti-union extremists is unacceptable; it’s also what Project 2025 promised to do.  
12 The workers who keep our communities running deserve better than attacks on their freedoms on  
13 day one. While we had hoped for better, we’re not going to sit by and take these attacks. AFSCME  
14 will be mobilizing, organizing and working with our partners to protect workers’ seat at the table  
15 and essential public services.”<sup>2</sup> After AFSCME filed its lawsuit, Saunders issued a statement  
16 criticizing the executive order as “a shameless attempt to politicize the federal workforce by  
17 replacing thousands of dedicated, qualified civil servants with political cronies,” and AFSCME  
18 “was born in the fight for a professional, non-partisan civil service.”<sup>3</sup>

19 8. National media outlets covered AFSCME’s lawsuit, including an excerpt alleging  
20 that the administration’s “scheme seeks to put politics over professionalism, contrary to the laws  
21 and values that have defined our career civil service for more than a century,”<sup>4</sup> and a statement  
22 from AFSCME President Saunders criticizing President Trump’s administration and stating,  
23 “[o]ur communities will pay the price if these anti-union extremists are allowed to undo decades  
24  
25

---

26 <sup>2</sup> See [https://www.afscme.org/press/releases/2025/afscmes-saunders-workers-deserve-better-](https://www.afscme.org/press/releases/2025/afscmes-saunders-workers-deserve-better-than-attacks-on-day-one)  
27 [than-attacks-on-day-one](https://www.afscme.org/press/releases/2025/afscmes-saunders-workers-deserve-better-than-attacks-on-day-one).

28 <sup>3</sup> See [https://www.afscme.org/press/releases/2025/public-service-unions-file-lawsuit-](https://www.afscme.org/press/releases/2025/public-service-unions-file-lawsuit-challenging-trump-administration-efforts-to-politicize-the-civil-service)  
[challenging-trump-administration-efforts-to-politicize-the-civil-service](https://www.afscme.org/press/releases/2025/public-service-unions-file-lawsuit-challenging-trump-administration-efforts-to-politicize-the-civil-service).

<sup>4</sup> See <https://www.newsweek.com/donald-trump-unions-public-input-2024476>.



1 of progress by stripping these workers of their freedoms.”<sup>5</sup>

## 2 **Lawsuit Against “Fork in the Road” Directive**

3 9. On January 28, 2025, OPM sent an email to nearly all federal workers with the  
4 subject line “Fork in the road.”<sup>6</sup> The email offered deferred resignation to AFSCME members and  
5 other federal employees, in an apparent effort to shrink the size of the federal workforce.

6 10. AFSCME filed suit alongside AFGE and the National Association of Government  
7 Employees (NAGE) against Charles Ezell, in his official capacity, and the Office of Personnel  
8 Management challenging the “fork in the road” directive and seeking to stop the purge of qualified  
9 professionals from the federal government workforce. *See AFGE v. Ezell*, Compl., 1:25-cv-10276  
10 (D. Mass. Feb. 04, 2025).

11 11. The day the lawsuit was filed, AFSCME issued a public statement decrying the  
12 “fork in the road” directive as “the latest attempt by the Trump-Vance administration to implement  
13 Project 2025’s dangerous plans to remove career public service workers and replace them with  
14 partisan loyalists.”<sup>7</sup>

15 12. On February 6, the court issued a temporary restraining order blocking the deferred  
16 resignation deadline. That same day, OPM issued a memo to the heads of all federal agencies  
17 directing them to submit a list of all federal employees “who received less than a ‘fully successful’  
18 performance rating in the past three years” and to identify the terms of any applicable collective  
19 bargaining agreement that would “impede . . . the agency’s ability to swiftly separate low-  
20 performing employees.”<sup>8</sup>

21 13. Following the February 6 TRO, AFSCME issued a public statement committing to  
22 “move this case forward until federal workers receive the respect they deserve.”<sup>9</sup> Dozens of news

23  
24 <sup>5</sup> See <https://www.reuters.com/world/us/trumps-plan-ease-firing-federal-workers-challenged-by-union-2025-01-29/>.

25 <sup>6</sup> See [www.opm.gov/fork/original-email-to-employees/](http://www.opm.gov/fork/original-email-to-employees/).

26 <sup>7</sup> See <https://www.afscme.org/press/releases/2025/trump-administration-fork-directive-unlawful-as-written-unions-urge-court-to-find>.

27 <sup>8</sup> See [chcoc.gov/sites/default/files/OPM%20Memo%20Request%20for%20Agency%20Performance%20Management%20Data%202-6-2025%20FINAL.pdf](https://chcoc.gov/sites/default/files/OPM%20Memo%20Request%20for%20Agency%20Performance%20Management%20Data%202-6-2025%20FINAL.pdf).

28 <sup>9</sup> See <https://www.afscme.org/press/releases/2025/afscmes-saunders-on-fork-directive-lawsuit-we-must-continue-to-stop-the-purge-of-federal-workers>

1 outlets covered the court win with many reporting on AFSCME's statements.<sup>10</sup>

2 14. Later in February, AFSCME and its allies participated in a series of demonstrations  
3 drawing federal workers and their allies to the Capitol and OPM's offices in Washington, D.C.,  
4 where they protested the "fork in the road" directive and other administration efforts to  
5 dramatically and arbitrarily reduce the federal workforce. The Washington Post covered the  
6 protests and AFSCME's lawsuit.<sup>11</sup>

7 15. On February 13, the court issued an order permitting the deferred resignation  
8 initiative to go forward. AFSCME President Saunders issued a public statement announcing that  
9 AFSCME and its union allies "remain committed to stopping this illegal attack on the freedoms of  
10 public service workers. . . Today may be a step back, but we won't back down."<sup>12</sup>

#### 11 **Lawsuits to Prevent DOGE From Accessing Sensitive Agency Data**

12 16. In late January, it came to light that Elon Musk and the "Department of Government  
13 Efficiency" temporary organization (DOGE) were seeking access to sensitive data held by the  
14 Department of Treasury, Department of Labor, Social Security Administration, and other federal  
15 agencies.<sup>13</sup>

16 17. AFSCME filed a pair of suits, alongside other unions and nonprofit organizations,  
17 against DOGE, the Social Security Administration, Department of Labor, Department of Health  
18 & Human Services, Consumer Financial Protection Bureau, U.S. Digital Service, and acting  
19 agency heads, seeking to immediately halt DOGE's access to sensitive agency systems and data.

---

21 <sup>10</sup> See, e.g., [https://www.nbclosangeles.com/news/national-international/judge-extends-freeze-](https://www.nbclosangeles.com/news/national-international/judge-extends-freeze-on-trumps-plan-to-get-millions-of-federal-workers-to-resign/3629310/)  
22 [https://www.govexec.com/workforce/2025/02/judge-extends-pause-deferred-resignation-](https://www.govexec.com/workforce/2025/02/judge-extends-pause-deferred-resignation-deadline/402890/)  
23 [https://www.cbsnews.com/news/judge-temporarily-blocks-implementation-](https://www.cbsnews.com/news/judge-temporarily-blocks-implementation-deferred-resignation-program/)  
24 [https://www.washingtonpost.com/dc-md-va/2025/02/06/deferred-](https://www.washingtonpost.com/dc-md-va/2025/02/06/deferred-resignation-program-deadline/)  
25 [https://www.nytimes.com/2025/02/10/us/politics/trump-judge-](https://www.nytimes.com/2025/02/10/us/politics/trump-judge-deferred-resignation-program.html)  
26 [https://www.newsweek.com/judge-temporarily-halts-donald-](https://www.newsweek.com/judge-temporarily-halts-donald-trumps-plan-push-out-federal-workers-2027443)  
27 [https://www.washingtonpost.com/dc-md-va/2025/02/11/federal-workers-rally-cuts-](https://www.washingtonpost.com/dc-md-va/2025/02/11/federal-workers-rally-cuts-buyouts/)  
28 [buyouts/](https://www.washingtonpost.com/dc-md-va/2025/02/11/federal-workers-rally-cuts-buyouts/).

<sup>11</sup> See [https://www.washingtonpost.com/dc-md-va/2025/02/11/federal-workers-rally-cuts-](https://www.washingtonpost.com/dc-md-va/2025/02/11/federal-workers-rally-cuts-buyouts/)  
26 [buyouts/](https://www.washingtonpost.com/dc-md-va/2025/02/11/federal-workers-rally-cuts-buyouts/).  
<sup>12</sup> See [https://www.afscme.org/press/releases/2025/afscmes-saunders-we-remain-committed-to-](https://www.afscme.org/press/releases/2025/afscmes-saunders-we-remain-committed-to-fighting-illegal-attacks-on-worker-freedoms)  
27 [fighting-illegal-attacks-on-worker-freedoms](https://www.afscme.org/press/releases/2025/afscmes-saunders-we-remain-committed-to-fighting-illegal-attacks-on-worker-freedoms).

<sup>13</sup> See [www.finance.senate.gov/chairmans-news/wyden-demands-answers-following-report-of-](https://www.finance.senate.gov/chairmans-news/wyden-demands-answers-following-report-of-musk-personnel-seeking-access-to-highly-sensitive-us-treasury-payments-system)  
28 [musk-personnel-seeking-access-to-highly-sensitive-us-treasury-payments-system](https://www.finance.senate.gov/chairmans-news/wyden-demands-answers-following-report-of-musk-personnel-seeking-access-to-highly-sensitive-us-treasury-payments-system).



1 *See AFSCME v. Social Security Administration*, First Amended Compl., 1:25-cv-00596-ELH (D.  
 2 Md. March 7, 2025); *AFL-CIO v. U.S. Dep't of Labor*, First Amended Compl., 1:25-cv-00339-  
 3 JDB (D.D.C. Feb. 11, 2025). The district court in Maryland issued a temporary restraining order  
 4 requiring DOGE to delete social security data in its possession and cease accessing or disclosing  
 5 social security data. While the district court in D.C. did not issue a TRO, it has ordered Defendants  
 6 to submit to preliminary discovery by AFSCME and its co-plaintiffs over the objection of  
 7 Defendants.

8 18. AFSCME publicly criticized DOGE's attempt to access sensitive agency data on  
 9 multiple occasions, with AFSCME President Saunders stating on February 5, "It's not surprising  
 10 that Elon Musk has ordered his DOGE cronies to storm the Department of Labor next. He has  
 11 always seen working people as a threat. From blatant union busting at Tesla to skyrocketing worker  
 12 injuries at SpaceX, Musk views his workers as expendable. Now, he has turned his attention to  
 13 workers across the country. The Department of Labor fights to protect all working people – from  
 14 stopping wage theft, discrimination and workplace violence to enforcing overtime, FMLA and  
 15 whistleblower protection laws. People's sensitive data should not be put at risk on the whims of an  
 16 un-elected billionaire who has been given unchecked power. That's why AFSCME joined a  
 17 lawsuit filed today to protect the public against DOGE accessing the DOL's information. Musk  
 18 can try to rob us of our freedoms, but he'll have to go through unions and working people first."<sup>14</sup>

19 19. AFSCME also participated in a demonstration on February 5 outside of the  
 20 Department of Labor's headquarters in Washington, D.C., to protest DOGE's infiltration of the  
 21 agency's systems. The protest was covered by domestic and international media, and Elon Musk  
 22 was reported to have moved a DOGE meeting that was scheduled to take place at the Department  
 23 of Labor that day.<sup>15</sup> On March 14, AFSCME also hosted a demonstration outside the federal  
 24 courthouse in Baltimore, rallying AFSCME members and retirees in opposition to DOGE  
 25 accessing social security data on the same day AFSCME's attorney sought (and obtained) a TRO.

26 <sup>14</sup> See [https://www.afscme.org/press/releases/2025/saunders-on-doge-targeting-the-department-](https://www.afscme.org/press/releases/2025/saunders-on-doge-targeting-the-department-of-labor-musk-will-have-to-go-through-unions-and-working-people)  
 27 [of-labor-musk-will-have-to-go-through-unions-and-working-people](https://www.afscme.org/press/releases/2025/saunders-on-doge-targeting-the-department-of-labor-musk-will-have-to-go-through-unions-and-working-people).

28 <sup>15</sup> See, e.g., <https://inthesetimes.com/article/elon-musk-trump-doge-labor-department>;  
<https://www.theguardian.com/us-news/2025/feb/05/elon-musk-doge-labor-department-protest>;

1 This demonstration was covered by local and national media.<sup>16</sup>

2 20. On February 13, AFSCME issued another statement from Saunders: “Together  
3 with our union partners and allies, we filed a lawsuit to protect working people from billionaires  
4 stealing their data. Elon Musk thinks his wealth and political contributions give him the right to  
5 disregard the law and masquerade as an elected official—but he is not. Working people deserve a  
6 government that will protect their privacy and hold corporations that break the law accountable.  
7 We call on the courts to address this unlawful corruption and ensure that our government remains  
8 for the people.”<sup>17</sup> On February 22, AFSCME announced its lawsuit challenging DOGE’s efforts  
9 to access social security data, criticizing Musk as “an unelected billionaire who has no right to  
10 access the benefits working people have paid into. We won’t allow him to undermine the promise  
11 that we can all retire with dignity one day; that if we ever get hurt on the job and are unable to  
12 work, we won’t go hungry. Social Security insurance belongs to taxpayers, not Musk — no matter  
13 how rich he is. We must stop him from gaining unfettered access to our future.”<sup>18</sup>

14 21. On March 20, AFSCME issued a statement celebrating the court’s TRO in the case  
15 restricting DOGE access to SSA data: “This is a major win for working people and retirees across  
16 the country. The court saw that Elon Musk and his unqualified lackeys present a grave danger to  
17 Social Security and have illegally accessed the data of millions of Americans. . . . AFSCME is  
18 proud to have led the case against this power grab that threatens the economic well-being of  
19 millions of seniors and people with disabilities. And we will continue to fight to protect Social  
20 Security for current and future generations.”<sup>19</sup>

21 22. AFSCME’s statements in opposition to DOGE accessing sensitive agency data, its

22  
23 <sup>16</sup> See, e.g., <https://apnews.com/article/social-security-lawsuit-trump-doge-musk-4ecd670b2dacb46ee139cb20471a3932>;

24 <https://mms.tveyes.com/MediaCenterPlayer.aspx?u=aHR0cDovL21lZGhlY2VudGVyLnR2ZXllcy5jb20vZG93bmxvYWRnYXRld2F5LmFzcHg%2FVXNlcklEPTEwNzc3MTgmTURJRD0yMzIzODAyMiZNRFNlZWQ9NTk4OSZUeXBIPU1lZGhl>.

25 <sup>17</sup> See <https://www.afscme.org/press/releases/2025/unions-expand-suit-to-block-elon-musk-from-accessing-private-data-at-dol-hhs-and-cfpb>

26 <sup>18</sup> See <https://www.afscme.org/press/releases/2025/suit-filed-in-new-challenge-retirees-unions-seek-to-block-doges-unprecedented-unlawful-social-security-data-power-grab>.

27 <sup>19</sup> See <https://www.afscme.org/press/releases/2025/afscmes-saunders-the-court-agrees-hands-off-social-security>.



lawsuits, and its protests were widely reported in the media.<sup>20</sup>

## **Lawsuit Seeking Reinstatement of Terminated Probationary Employees**

23. On February 13, 2025, OPM directed federal agencies to fire virtually all employees still on probation.<sup>21</sup>

24. On February 20, AFSCME filed suit alongside AFGEUNAC and nonprofit organizations against the Office of Personnel Management and Charles Ezell challenging the order to fire probationary employees. *See AFGE v. Office of Personnel Management*, Second Amended Compl., 3:25-cv-01780-WHA (N.D. Cal. March 11, 2025). The court has issued a preliminary injunction directing OPM to rescind its order and ordering the agencies to put terminated employees back to work.

25. AFSCME released multiple public statements regarding the lawsuit, criticizing OPM's order to fire federal workers "on false pretenses" and in violation of federal law<sup>22</sup> and describing the mass firings as "yet another unlawful attempt by this billionaire-run administration to gut public services without regard to the health and safety of our communities . . . We will keep fighting these attacks on their freedoms that threaten everything from food safety to national security to health care."<sup>23</sup>

---

<sup>20</sup> See, e.g., <https://thehill.com/business/5128870-afl-cio-lawsuit-against-elon-musk/>; <https://www.courthousenews.com/unions-sue-doge-labor-department-to-block-access-to-worker-and-musk-competitor-data/>; <https://www.democracymarket.com/news-alerts/federal-unions-sue-doge-over-department-of-labor-data-access/>; <https://www.reuters.com/world/us/union-asks-judge-block-elon-musks-doge-labor-dept-systems-2025-02-05/>; <https://www.law360.com/employment-authority/labor/articles/2293771/musk-can-t-access-dol-data-labor-groups-say>; <https://apnews.com/article/social-security-trump-administration-acfdd0d7a53b7c5a1b5105baa456c5d0>; <https://www.washingtonpost.com/politics/2025/03/20/doge-blocked-social-security-judge/>; <https://www.cbsnews.com/news/doge-social-security-administration-judge-blocks/>; <https://www.forbes.com/sites/mollybohannon/2025/03/20/judge-blocks-doge-from-accessing-social-security-data/>; <https://www.barrons.com/articles/judge-blocks-doge-social-security-data-d63085f8>; <https://www.cnn.com/2025/03/20/judge-bars-musks-doge-team-from-social-security-records.html>;

<sup>21</sup> See <https://federalnewsnetwork.com/workforce/2025/02/opm-fires-probationary-employees-after-deferred-resignation-deadline/>.

<sup>22</sup> See <https://www.afscme.org/press/releases/2025/public-service-unions-and-state-democracy-defenders-fund-challenge-unlawful-mass-federal-firings>.

<sup>23</sup> See <https://www.afscme.org/press/releases/2025/coalition-of-unions-small-businesses-veterans-and-conservation-organizations-seek-injunction-to-prevent-unlawful-firings>.



1           26. AFSCME issued public statements celebrating the court's orders putting  
2 unlawfully terminated federal employees back to work, on February 27 stating, ""We know this  
3 decision is just a first step, but it gives federal employees a respite. While they work to protect  
4 public health and safety, federal workers have faced constant harassment from unelected  
5 billionaires and anti-union extremists whose only goal is to give themselves massive tax breaks at  
6 the expense of working people. We will continue to move this case forward with our partners until  
7 federal workers are protected against these baseless terminations."<sup>24</sup> And on March 13 stating,  
8 "Public service workers are the backbone of our communities in every way. Today, we are proud  
9 to celebrate the court's decision which orders that fired federal employees must be reinstated and  
10 reinforces they cannot be fired without reason. This is a big win for all workers, especially  
11 AFSCME members of the United Nurses Associations of California and Council 20, who will be  
12 able to continue their essential work at the Department of Agriculture, Veterans Affairs  
13 Department, and other agencies."<sup>25</sup>

14           27. On March 14, after Judge William Alsup issued a preliminary injunction granting  
15 the unions' request to reinstate unlawfully fired probationary workers, President Trump's advisor,  
16 Elon Musk, retweeted a photo of Judge Alsup, stating that unless "the absolute worst judges get  
17 impeached, we don't have real democracy in America."<sup>26</sup>

18           28. On March 16, Fortune Magazine observed that "[u]nions have played a major role  
19 in legal challenges to the mass firing of federal workers" and published an interview with  
20 AFSCME President Saunders.<sup>27</sup> There, Saunders criticized President Trump's and Musk's anti-  
21 worker policies, stating, "People are being laid off indiscriminately. People are being fired. Their  
22 rights are being taken away from them. Services that the American people relied upon are being  
23 cut, and they're proposing to do a lot more damage." Saunders committed to "continu[ing] to put  
24

25 <sup>24</sup> <https://www.afscme.org/press/releases/2025/federal-court-finds-firing-of-probationary-federal-employees>.

26 <sup>25</sup> <https://www.afscme.org/press/releases/2025/federal-court-orders-reinstatement-of-fired-probationary-federal-employees>.

27 <sup>26</sup> See <https://x.com/elonmusk/status/1900399743517548571>.

28 <sup>27</sup> See <https://fortune.com/2025/03/16/union-leader-lee-saunders-afscme-federal-worker-layoffs-trump-elon-musk>.

1 the full force of the union behind filing these kinds of lawsuits” and “continu[ing] to talk about  
2 what this administration is trying to do to hurt working people.”

3 29. On March 17, President Trump described the unions’ lawsuit and Judge Alsup’s  
4 decision as “absolutely ridiculous . . . a very dangerous thing for our country.” Referring to the  
5 reinstated union members, President Trump said without support “these are people in many cases  
6 they don’t show up for work . . . a judge want us to pay ‘em even if they don’t know if they exist  
7 . . . and I don’t know if that’s going to be happening.”<sup>28</sup>

8 30. Dozens of press outlets covered the lawsuit and AFSCME’s public statements.<sup>29</sup>

### 9 **Lawsuit to Prevent Dismantling of Voice of America**

10 31. On March 14, President Trump issued an executive order eliminating, among six  
11 other agencies, the U.S. Agency for Global Media, which operates Voice of America.<sup>30</sup>

12 32. The next day, AFSCME President Saunders issued a public statement criticizing  
13 the executive order: “AFSCME members at Voice of America work tirelessly to provide objective  
14 and reliable news media to citizens across the globe. Their work – delivered in nearly 50 different  
15 languages – is a symbol of how a free press should operate. And last night, the administration just  
16 moved to shut them down and other important agencies as part of a slash-and-burn effort to destroy  
17 public services no matter the cost to working families or our communities. . . . Our union has been  
18 fighting these efforts to undermine the integrity of a nonpartisan, qualified public service. And we

19  
20 <sup>28</sup> See <https://www.foxnews.com/politics/dangerous-order-liberal-judge-rehire-federal-workers-should-go-scotus-trump-says>.

21 <sup>29</sup> See, e.g., <https://apnews.com/article/federal-employees-firing-lawsuit-trump-probation-unions-4a9384c21c408df85ca17dfac5b9dc93>; <https://thehill.com/regulation/court-battles/5160886-federal-employee-unions-lawsuit-elon-musk/>; <https://www.eenews.net/articles/unions-sue-over-probationary-employee-terminations/>; <https://www.reuters.com/legal/labor-groups-sue-trump-administration-over-mass-firings-probationary-employees-2025-02-20/>;  
22 <https://www.cbsnews.com/news/judge-rules-mass-firings-federal-probationary-employees-likely-illegal/>;  
23 <https://www.nbcnews.com/news/amp/rcna194131>;  
24 <https://www.axios.com/2025/02/28/trump-federal-employees-firing-court-judge>;  
25 <https://www.salon.com/2025/02/28/does-not-have-any-authority-whatsoever-rules-admins-mass-firings-likely-illegal/>;  
26 <https://www.bizjournals.com/sanfrancisco/news/2025/03/13/government-agencies-trump-judge-william-alsup-sf.html>;  
27 <https://abcnews.go.com/Politics/judge-order-fired-probationary-federal-employees-reinstated/story?id=119759494>

28 <sup>30</sup> <https://www.whitehouse.gov/presidential-actions/2025/03/continuing-the-reduction-of-the-federal-bureaucracy/>



1 will continue to fight to protect workers against these thinly veiled attempts to politicize and  
2 eliminate the essential work they do.”<sup>31</sup>

3 33. On March 21, 2025, AFSCME filed suit alongside AFGE, the American Foreign  
4 Service Association, NewsGuild-CWA, Reporters without Borders, and individual journalists  
5 against the U.S. Agency for Global Media and its senior leaders challenging the administration’s  
6 decision to close Voice of America, lock out journalists, cancel grants, and end the station’s  
7 broadcasts. *See Widakuswara v. Lake*, Compl., 1:25-cv-02390-JPO (S.D.N.Y. March 21, 2025).  
8 On March 28, the court issued a temporary restraining order.

9 34. National media outlets reported on AFSCME’s lawsuit to keep Voice of America  
10 alive.<sup>32</sup>

#### 11 **Lawsuit to Prevent Closure of the Department of Education**

12 35. On March 11, 2025, the Trump Administration announced its plans to fire 1,300  
13 workers at the Department of Education.<sup>33</sup> On March 20, President Trump issued an executive  
14 order titled “Improving Education Outcomes by Empowering Parents, States, and Communities”  
15 with the stated intent of closing the Department of Education.<sup>34</sup>

16 36. On March 24, 2025, AFSCME affiliates joined lawsuits challenging this  
17 dismantling. AFSCME Council 3 filed a lawsuits alongside the NAACP, National Education  
18 Association, and others, while AFSCME Council 93 joined a lawsuit with AFT, SEIU, the  
19 American Association of University Professors, local school districts, and students against Donald  
20 Trump, Linda McMahon, and the Department of Education challenging the administration’s  
21 efforts to close the agency. *See Somerville Public Schools v. Trump*, Compl., 1:25-cv-10677 (D.

22  
23 <sup>31</sup> <https://www.afscme.org/press/releases/2025/afscmes-saunders-we-will-continue-to-stand-with-workers-and-fight-these-efforts-to-destroy-public-service>

24 <sup>32</sup> *See, e.g.*, <https://www.washingtonpost.com/politics/2025/03/22/voice-america-lawsuit-trump-kari-lake/>; <https://www.npr.org/2025/03/21/nx-sl-5336351/voice-of-america-trump-lawsuit-kari-lake-voa>; <https://www.reuters.com/legal/voice-america-employees-sue-trump-administration-over-shuttered-us-funded-news-2025-03-21/>; <https://apnews.com/article/voice-america-free-press-trump-lawsuit-lake-6c88792addbfd651d1d06b8705fd8e10>,

26 <sup>33</sup> *See* <https://www.nytimes.com/2025/03/11/us/politics/trump-education-department-firings.html>.

27 <sup>34</sup> *See* <https://www.whitehouse.gov/presidential-actions/2025/03/improving-education-outcomes-by-empowering-parents-states-and-communities/>.

1 Mass. March 24, 2025); *NAACP v. United States*, Compl., 8:25-cv-000965-DLB (D. Md. March  
2 24, 2025).

3 37. AFSCME criticized the mass firings at the Department of Education and  
4 administration efforts to shutter the agency. On March 11, AFSCME President Saunders stated,  
5 “These mass layoffs are Project 2025 in action, and they have one goal – to make it easier for  
6 billionaires and anti-union extremists to give themselves massive tax breaks at the expense of  
7 working people. Today’s announcement from the Department of Education is just the beginning  
8 of what’s to come. . . . Elections may have consequences, but we will not sit by while billionaires  
9 like Elon Musk and Linda McMahon tear apart public services piece by piece. We will keep  
10 speaking out and finding ways to fight back.”<sup>35</sup> On March 20, Saunders issued a statement:  
11 “Dismantling the Department of Education has nothing to do with improving public schools and  
12 everything to do with starving them of the resources to succeed, all so billionaires can swoop in  
13 and turn America’s great equalizer into their next great profit generator. . . . Shutting down the  
14 Department of Education amounts to one giant hit job on America’s working families. Beyond the  
15 impact on students, it will jeopardize the jobs and livelihoods of millions of teachers, custodians,  
16 food service workers, school nurses, school bus drivers, instructional support professionals and  
17 their families. . . . Our children deserve better, and AFSCME’s 1.4 million members are getting  
18 organized and fighting back.”<sup>36</sup>

19 38. AFSCME affiliates who are plaintiffs in these cases also issued critical statements.  
20 On March 24, AFSCME Council 3 President Patrick Moran stated: “Congress created the  
21 Department of Education, and Congress controls its future — not billionaires Marylanders never  
22 voted for. This illegal move to bypass our elected representatives would be devastating to our  
23 state’s public schools. Department of Education funding supports AFSCME Council 3 members  
24 in their essential work every day. It helps bus drivers get students in rural areas to school on time,  
25 ensures cafeteria workers can deliver consistent meals to students in low-income areas, keeps

26  
27 <sup>35</sup> <https://www.afscme.org/press/releases/2025/afscmes-saunders-on-mass-layoffs-at-the-department-of-education-this-is-project-2025-in-action>

28 <sup>36</sup> <https://www.afscme.org/press/releases/2025/afscmes-saunders-shutting-down-the-department-of-education-amounts-to-one-giant-hit-job-on-americas-working-families>.



1 custodial workers on staff to ensure public schools are safe environments, supports disability and  
 2 English as a second language school services, and more. Without this funding, we lose essential  
 3 school workers — and our most vulnerable students will pay the price.”<sup>37</sup> The same day, AFSCME  
 4 Council 93 Executive Director Mark Bernard issued a public statement: “The Executive Order  
 5 abolishing the Department of Education is not only illegal, but—as is to be expected from this  
 6 administration—just plain cruel.”<sup>38</sup>

7 39. National and local media outlets in Boston and Maryland have covered the lawsuits  
 8 and statements opposing the dismantling of the Department of Education.<sup>39</sup>

#### 9 **Other Public Criticism and Speech Activity in Opposition to the Administration**

10 40. AFSCME’s public criticisms of the Trump Administration have not been limited to  
 11 the subjects of its lawsuits; AFSCME has been among the administration’s most consistent and  
 12 outspoken critics since Inauguration Day.

13 41. On January 28, AFSCME President Saunders described the administration’s freeze  
 14 of federal funding as “a blatant overreach of presidential powers that comes straight from Project  
 15 2025” and criticized President Trump’s pick of Russel Vought as an Office of Management and  
 16 Budget Director who “will immediately seek to slash public services to hand out trillions in tax  
 17 cuts to his wealthy friends.”<sup>40</sup>

18 42. On February 10, AFSCME issued a public statement criticizing cuts to USAID and  
 19 furloughs of Department of Agriculture employees, “Because of these extremist actions, not only  
 20 will people abroad go hungry, but American farmers will be left high and dry with no one to buy  
 21

22 <sup>37</sup> <https://afscmemd.org/press-room/coalition-sues-trump-administration-dismantling-department>.

23 <sup>38</sup> <https://democracyforward.org/updates/doe-challenge-032425/>.

24 <sup>39</sup> See, e.g., <https://www.nytimes.com/2025/03/24/us/trump-education-department-lawsuit.html>;  
 25 <https://www.usatoday.com/story/news/education/2025/03/24/trump-education-department-lawsuits-teachers-union-school/82636301007>;  
 26 <https://www.bostonherald.com/2025/03/24/schools-fight-trump-on-education-cuts/>;  
 27 <https://www.masslive.com/news/2025/03/mass-school-districts-unions-sue-president-trump-over-education-dept-dismantling.html>; <https://www.wbur.org/news/2025/03/24/lawsuit-boston-department-education-trump>; <https://www.baltimoresun.com/2025/03/24/education-department-lawsuit/>.

28 <sup>40</sup> See <https://www.afscme.org/press/releases/2025/afscmes-saunders-on-the-federal-funding-freeze-this-is-a-blatant-overreach-straight-from-project-2025>.

1 their crops. This is only the beginning of billionaires' campaign to gut public services so they can  
2 hand over trillions in tax cuts to their wealthiest friends. It is shameful, and we will consider all  
3 our options to stop these actions."<sup>41</sup>

4 43. On February 12, AFSCME criticized President Trump's "workforce optimization  
5 initiative," which expressly seeks to shrink the size of the federal workforce, with AFSCME  
6 President Saunders stating, "It is unsurprising that an administration run by billionaires is  
7 eliminating oversight and firing dedicated federal workers. They know federal workers protect the  
8 public against corporate abuse and won't allow them to use taxpayer dollars as their own personal  
9 slush fund. So, instead of trying to improve the lives of working people, they are creating a staffing  
10 crisis in the public service that hurts children, seniors, people with disabilities, working people and  
11 those most vulnerable. We won't stand for it, and we will keep fighting back."<sup>42</sup>

12 44. On February 13, AFSCME publicly opposed the confirmation of Robert F.  
13 Kennedy, Jr. as Secretary of Health & Human Services, issuing a statement: "Front-line health  
14 care workers need a leader at HHS who shares their values – someone who believes, as they do,  
15 in safeguarding public health. But Robert F. Kennedy Jr.'s values could not be further from the  
16 front lines. Instead of increasing our communities' access to vital care, he is only interested in  
17 increasing profits for his billionaire backers. . . We will keep organizing to make sure that Kennedy  
18 and his anti-worker friends don't get in the way of [AFSCME's members'] essential work."<sup>43</sup>

19 45. On February 15, AFSCME issued a statement criticizing a Department of  
20 Transportation memo directing highway funding to communities with higher birth and marriage  
21 rates as "absurd," "arbitrary," and "a cudgel to push states and localities to fall in line on the  
22 president's policies."<sup>44</sup>

23 46. On March 3, AFSCME issued a statement opposing the confirmation of Linda

24 <sup>41</sup> See <https://www.afscme.org/press/releases/2025/afscmes-saunders-workers-and-communities-are-paying-the-price-of-the-administration-dismantling-federal-agencies>.

25 <sup>42</sup> See <https://www.afscme.org/press/releases/2025/afscmes-saunders-federal-workers-protect-the-public-thats-why-theyre-under-attack>.

26 <sup>43</sup> See <https://www.afscme.org/press/releases/2025/afscmes-saunders-front-line-health-care-workers-need-a-leader-at-hhs-who-shares-their-values-not-rfk-jr>.

27 <sup>44</sup> See <https://www.afscme.org/press/releases/2025/afscme-saunders-federal-funding-for-transportation-should-not-be-used-as-a-cudgel-against-communities>.

28



1 McMahon as Secretary of the Department of Education: “Billionaires led by Elon Musk are  
2 hellbent on dismantling the U.S. Department of Education, and wrestling mogul Linda McMahon  
3 is ready and willing to do their bidding. . . . Children and public school workers will suffer the cost  
4 of understaffed schools, larger classroom sizes, and fewer extracurricular opportunities – all to  
5 give tax cuts to the wealthy. But AFSCME members won’t stand for it. They are among the  
6 millions of workers across this nation who have dedicated their careers to educating and supporting  
7 America’s children and youth. They don’t do it to get rich – they do it because they believe in the  
8 next generation, and we will be standing together against any attack on students.”<sup>45</sup>

9 47. On March 11, AFSCME publicly criticized the administration’s decision to remove  
10 collective bargaining rights from Transportation Security Agency employees: “AFSCME stands  
11 in solidarity with the 47,000 unionized TSA agents, many of whom are veterans, whose freedom  
12 to collectively bargain is under assault by anti-union extremists. TSA agents use their voice on the  
13 job to improve their working conditions and ensure that we all can enjoy safe air travel. When  
14 they’re no longer free to speak without fear of retaliation, we jeopardize public safety and lose out  
15 on their valuable knowledge. We know this retaliatory attack is just the beginning. If they can strip  
16 TSA agents of their freedom to join a union, they will continue to threaten the collective bargaining  
17 rights of all workers. Together, with AFGE and the labor movement, we will continue to organize  
18 against these attacks on our workplaces and communities.”<sup>46</sup>

19 48. On March 15, AFSCME President Saunders described President Trump’s decision  
20 to end the \$15 minimum wage for federal contractors as the “latest example” of “billionaires in  
21 the White House continu[ing] to find new ways to enrich themselves at the expense of working  
22 people . . . This move is nothing more than an anti-worker measure to take money out of working  
23 peoples’ pockets, undermine their voice on the job and punish anyone who tries to speak out about  
24 unfair, unsafe working conditions.”<sup>47</sup>

25 <sup>45</sup> See <https://www.afscme.org/press/releases/2025/afscmes-saunders-children-and-workers-will-suffer-the-cost-of-linda-mcmahons-plans-to-cut-education>.

26 <sup>46</sup> <https://www.afscme.org/press/releases/2025/afscmes-saunders-this-retaliatory-attack-on-tsa-agents-jeopardizes-public-safety>

27 <sup>47</sup> <https://www.afscme.org/press/releases/2025/afscmes-saunders-cutting-wages-for-workers-and-undermining-unions-is-a-promise-broken>.

## **The Trump Administration's Public Responses**

49. In a February 12 post on Truth Social, President Trump responded to lawsuits brought by unions and their allies by claiming “Billions of Dollars of FRAUD, WASTE, and ABUSE” and complaining that “certain activists and highly political judges want us to slow down, or stop.”<sup>48</sup>

50. On February 16, President Trump posted on Truth Social an article titled “Dems and Judges Shredding Article II Are A Threat To Democracy,” which criticized a coalition of “blue states, labor unions, and non-profit organizations [that] have descended on federal courts up and down the East Coast seeking to halt President Donald Trump’s agenda.

51. Presidential advisor Elon Musk reposted on X (formerly Twitter) a post attacking a coalition of institutions as conducting a “coordinated hit job” against President Trump’s agenda. The post called out Plaintiffs AFGE, AFSCME, and NFFE directly by name and claimed “[a]lmost every single lawsuit that has been filed against the second Trump administration has come from this group” and “[t]his is the organization that coordinates all of the lawsuits against the administration.” When reposting the attack, Musk added the comment “Interesting”.

52. After Musk reposted a tweet on March 13 that stated, “Stalin, Mao and Hitler didn’t murder millions of people. Their public sector workers did,” AFSCME President Lee Saunders defended public employees who chose to “mak[e] our communities safe, healthy, and strong over getting rich,” and criticized Musk as having “no idea what real people go through every day. That’s why he’s so willing to take a chainsaw to people’s jobs, Medicaid, Social Security and Medicare.”<sup>49</sup> Other national news outlets covered Musk’s tweet and AFSCME’s response.<sup>50</sup>

53. In a March 28, 2025, interview with Fox News, Musk responded to a question about

---

<sup>48</sup> <https://www.thetimes.com/us/american-politics/article/donald-trump-lashes-out-truth-social-elon-musk-083qpsld8>.

<sup>49</sup> See <https://www.rollingstone.com/culture/culture-news/musk-holocaust-public-workers-union-1235296401/>.

<sup>50</sup> See, e.g., <https://www.nytimes.com/2025/03/14/technology/clon-musk-x-post-hitler-stalin-mao.html>; <https://www.usatoday.com/story/news/politics/2025/03/14/elon-musk-hitler-federal-workers/82402023007/>; <https://www.msn.com/en-in/news/world/clon-musk-resharing-post-saying-hitler-didn-t-murder-millions-sparks-controversy/ar-AA1AUXCY>;



1 the success of unions and other plaintiffs securing TROs and preliminary injunctions by blaming  
2 the “very far left bias” of the D.C. Circuit Court and suggesting that those benefiting from the  
3 rulings must be personal friends with the judges who have issued rulings adverse to the  
4 government. Musk concluded, “it sounds like corruption to me.”<sup>51</sup>

5  
6 I declare under penalty of perjury under the laws of the United States that the foregoing is  
7 true and correct. Executed this 3rd day of April 2025 in Washington, D.C.

8  
9 A handwritten signature in cursive script, appearing to read 'Tiffany Ricci', is written over a horizontal line.

10 TIFFANY RICCI  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27  
28 <sup>51</sup> See <https://www.newsweek.com/clon-musk-doge-team-give-update-social-security-fox-news-interview-2051814>.